

## Issues and Debates in Transitional Rule

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## Introduction

*The question today is whether there is a formula for international intervention to democratize failed states that stops short of full-scale imperial rule—whether by one nation or many.*<sup>[2]</sup>

Transitional regimes—also called interim governments—bridge old and new orders of rule. Interim governance signifies a hinge of history, a central point upon which depends future national, or even international, stability. These interim structures, so historically significant, are nonetheless fleeting and indeterminate. And despite the obvious domestic character and significance of governance transitions, the assembly and maintenance of interim structures is now commonly an international project.

The United Nations and many of its constituents have taken on significant roles in state-building, the creation and sustenance of government institutions, in troubled states.<sup>[3]</sup> Still, too little is known about the factors that make for success and failures in transition, in particular with respect to the commonly stated goals of peace and democracy. Our project aims to identify the rationale, form and effects of interim regimes. We define an interim regime as an organization that rules a polity during the period between the fall of the *ancien regime* and the initiation of the next regime. Our focus is upon governance in the transition between the end of one order—whether by internal collapse or externally imposed regime change—and the start of a new, supposedly “permanent” order. The transitional period concludes, we argue, when a new government wields effective internal sovereignty. We are particularly interested in the choices of interim administrative structures, for example, whether these are comprised of domestic or international components, or whether they represent elite pacts or popular will. What are the legitimacy issues associated with these choices? What are the consequences for the extension of state control, the management of resources, the development of civil society, and the staying power of the new order?

## Historical Forms

Temporary regimes in dozens of nations across the globe, under a variety of conditions, have come and gone through the post-war and post-cold war eras.<sup>[4]</sup> Some of these are more fleeting than others. In two well-known examples, post-WWII Germany and Japan, international actors took a direct and primary role in state reconstruction and democratization. The defeat of fascism

and the dismantling of colonial structures augured a “second wave” of democratization (as defined by Samuel Huntington, the first wave had run a course from the early nineteenth century to World War I). One might argue that it was the interests of the victor that drove postwar changes; or one might argue that they expressed emerging international consensus. Either way, the role of external actors, from start to finish, was *the* significant factor in most of these transitions.

The next significant wave of regime change occurred in the 1980s and early 1990s, in the “third wave.” In contrast to the significant role played by international actors during the post-war “second wave” of democratization, the third wave transitions were largely spurred by internal factors. Where influential, the international community often affected the timing and sometimes the course of the transition, but often in an indirect manner, and frequently as only one aspect of a much larger process. The international community was rarely the primary actor in the transitions of the third wave.

By the late 1990s and early 2000s, however, the role of the international community began to expand. Great powers and international institutions—no longer stymied by cold war rivalry—took on expanded and more direct roles in the creation and maintenance of interim governments. In some cases, foreign invasion to depose existing rulers was the key to bringing about regime change, rather than transition being the result of changes in the balance of power between domestic rulers and opposition. In most other cases, devastating civil wars tore apart and destroyed the legitimacy of domestic power structures that could mediate the transition from war to peace. Advocates of humanitarian intervention applauded military interventions to end civilian suffering and promote democracy. Critics called humanitarian intervention “an extension of a de facto international imperial power over the ‘failed state’ part of the world.”<sup>[5]</sup>

Internationally-created interim regimes constitute an entirely new model of transitional governance. Our project will trace the evolution of this new model of interim government, identify the issues and debates that set this model apart from pre-existing models of interim governments, and discuss the implications for the consolidation of post-conflict peace, stability and governance.

## Theoretical Developments

Post-conflict democracy-building currently represents a leading edge in democratization studies.<sup>[6]</sup> Some post-conflict researchers inquire as to the nature of state collapse; others focus on the international efforts to end civil wars. Success measures typically include democratic elections, open markets, and most commonly, peace (defined as no return to war). They also study means to get there, such as security guarantees, power-sharing pacts, transitional authority, and elections.

Perhaps reflecting the different sources of change in various waves of democratization, comparativists and the international relations (IR) scholars have created literatures that tend to talk past one another. The traditional international relations theory toolkit offers limited resources to deal with problems of state-building. Neo-realist theories of state power balancing and hegemony, liberal and constructivist emphases on values and norms offer limited explanations and little practical value to would-be state-builders.

International relations scholars have focused on interventionism and peacekeeping, but comparativists have retained a helpful focus on democratization and governance. Most theories of democratization were interested in the transition from authoritarian rule and the consolidation of democracy. The issue of transitional regimes and interim governments has barely been touched in the field of comparative politics, with one significant exception. To date, the seminal work on interim government remains the volume edited by Yossi Shain and Juan Linz, *Between States*, published in 1995.

In this work, the editors and their case study authors developed four models of interim governments. These four ideal types are revolutionary, power-sharing, incumbent caretaker and international administrations. Even in this work, however, the assembled authors focused on democratization, in particular, post-communist transitions to democracy. This focus was current with the disciplinary agenda of comparative politics at the time.

Many more interim governments have come and gone since 1995, and at stake is much more than simply the issue of how democratic are the resulting regimes. In many instances, the very nature, legitimacy, functioning and viability of post-conflict state structures is at stake. For example, states like Somalia seem to be stuck with a set of virtually permanent “transitional governments” that cannot even govern the capital city. Other countries like Afghanistan have a central government that also can barely project force beyond its capital city. Therefore, in this paper we aim to set a research agenda for investigating the new transitional model by laying out a set of issues that take a more expansive approach to the issue of interim regimes, and merging the approaches of international relations and comparative politics.

We find in Michael Doyle’s work an exemplary approach that takes domestic environmental conditions into account for external transitional administrators.<sup>[7]</sup> He observes that from case to case, competitors for postwar rule vary in number, coherence, and hostility to one another. Doyle provides predictions based upon his assumption that these domestic factors influence the nature of external intervention. External actors are more likely to be needed in circumstances in which the factional conflicts are particularly divisive and incoherent. When the factions are more reconciled, as in El Salvador, Namibia and Tajikistan, less intrusive transitional authority is needed. In that event, external actors provide transparency, continuing coordination mechanisms, and technical assistance in elections and police training that build capacity. A situation in which factions are coherent and hostile, as in Cambodia, mandates a stronger role for the international community as follows: it must settle conflict between combatants that are still capable of fighting, while administering the transition to a peaceful order in which any of the factions have the power to spoil the process. The potential for factions to spoil a peace accord limits the leverage of the international regime that must keep all factions placated.

While Doyle’s work makes useful distinctions among post-conflict environments, the focus on external administration provides little insight into viability of the interim government structures they supported. On this latter topic, Marina Ottaway and Bethany Lacina explicitly consider the costs and benefits of working with extant power structures.<sup>[8]</sup> Ottaway and Lacina compare “local transitional governments” with “power sharing” and “international administrations.” The “local transitional government” approach is less costly in lives and treasure, they argue, but is also less likely to truly shift existing power structures. In Afghanistan, an international coalition working together with local insurgents overthrew the Taliban regime and set about remaking the nation. The warlords proved adept at manipulating the *loya jirga* process to consolidate their influence. However, this category may also be misleading, because we typically see some sort of indigenous interim regime alongside internal administration. Ottaway and Lacina also included the *reinstallation* of democratically elected leaders who had been deposed, for example Haiti and Sierra Leone. This would seem a very different project than reliance on an existing caretaker government or a power-sharing pact. Although it seems helpful to differentiate according to the degree to which the outside actors utilized existing administrative and political structures, important questions remain. How do the interim administrative structures channel political conflict, and what are the consequences for the legitimacy and the governing capacity of the resulting regimes?

Our project picks up where Shain and Linz, Doyle, and Ottaway and Lacina leave off. We begin this process by raising a number of themes in the nature of war, peace, and transitional governance that we believe have changed since 1995. In the following sections, we discuss the major issues and debates in the field of conflict and reconstruction studies that relate to the issue

of interim and transitional regimes. What are the effects of the following issues upon post-conflict transitions, in particular the viability of post-conflict structures of governance?

- The nature of conflict
- Norms of sovereignty and intervention;
- Elections as mechanisms for political order;
- The outcome of transitional regimes.

## I. Internal conflict and international peacekeeping

Our first proposition is that the nature of conflict itself affects the nature of the transitional regime necessary. As the last century closed, many observers cited newly salient conflict purposes, civilian roles in conflict, and institutional manifestations of war to conclude that a transformation in war had occurred.<sup>[9]</sup> Even great powers like the United States and Russia were finding low intensity conflict increasingly affecting their national security. Although most conflicts since World War II have been within states, the United Nations was reluctant to violate sovereignty in order to address them. In the early 1990s more peacekeeping missions began to deal with internal strife. Regional organizations also began to develop peacekeeping and peacemaking capabilities, such as the UN approved ECOMOG missions in Liberia and Sierra Leone, and NATO missions in Bosnia and Kosovo.

Resolving civil war situations is inherently different than resolving interstate wars, and often requires a heavier involvement of the international community. When conflict breaks out between states, combatants can retire behind the state boundaries and heal. Civil war combatants have to live side-by-side with one another and the victims of their violence. The role of the state in relation to society also sets internal conflicts apart. A state defeated in international conflict might lose legitimacy in the eyes of its society; a state that was itself is a combatant in an internal war has deeper legitimacy issues, assuming that the state has remained intact.

Often, however, the degree of state disintegration and delegitimation has progressed to the point where no internal organization can take over government functions. In this case, the international community has increasingly borne the brunt of actual governance. Beginning with the intervention in Cambodia in 1993, the international community had begun to assume wide-ranging administrative roles. These roles were expanded in some international administrations, as in Kosovo and East Timor, to include basic policing, provision of social services and other public goods, and legislation. Reflecting the true nature of this type of involvement, Fearon and Laitin have named this intervention a form of “neo-trusteeship” (or “postmodern imperialism”), because the international community has assumed a function reminiscent of the colonial authorities of the late 19th and early 20th centuries. The characteristics of these types of interventions, they argue, are as follows:

- They are complicated and evolving mixes of international and domestic governance structures.
- The efforts involve a high degree of control over domestic political authority and basic economic functions by foreign countries, in which subjects are governed by a complex hodgepodge of foreign powers, international and nongovernmental organizations (NGOs), and domestic institutions, rather than by single imperial or trust power asserting monopoly rights within its domain.
- The parties to these complex interventions typically seek an international legal mandate for their rule.
- Finally, the agents of neotrusteeship want to exit as quickly as possible, after intervening to reconstruct or reconfigure states so as to reduce threats arising from either state collapse or rogue regimes empowered by weapons of mass destruction (WMD).<sup>[10]</sup>

In order to ensure buy-in, most UN interventions in civil wars had included parties to the conflict in the settlement. If the international legitimacy of the intervention and the engagement of local actors are two key factors to establishing governance after war, the US-led coalition that removed Saddam Hussein in Iraq confronted a more ambitious project yet.

The new interventionism is qualitatively different from the international model set forth in *Between States* and other works that have deliberated the nature of transitional governance. First, external actors now often *initiate* transitional regimes following civil-wars, state disintegration or defeat. Second, these external actors now often *directly manage* and *administer* these interim governments, rather than quickly turning them over to domestic forces. The end result is that great powers and international institutions have taken a much more decisive and direct role in the creation and management of interim regimes.

This expanded role is significant for several reasons. For one, the model proposed in *Between States* specifically recommend *against* the intrusive engineering by external actors that became the norm from 1995 to 2005. Second, Shain and Linz had argued that this type of administration was not appropriate for transitions that occurred in the context of complete state collapse or violent civil war in which the domestic government is completely discredited. Yet this is precisely the situation in which most post-conflict interventions find themselves now. *Between States* did not present a model of transitional governance for situations in which no government structure existed, either because it collapsed in a civil war (as in Somalia, the DRC, and elsewhere), or was overthrown by a foreign power (Afghanistan and Iraq). And yet, since 1995, we have seen a rise in this exact situation, with international community stepping in to create governments from scratch.

## II. Changing Norms of Sovereignty

Unsurprisingly, along with the changes described above, norms governing when and how extensively the international community can and should *legitimately* intervene have developed. The concept underlying “peacemaking” missions directly conflicts with the norm of the inviolability state sovereignty—Article 2.7 of the UN Charter—which for decades had discouraged the international community from interference in the domestic politics of another state. Once the norms of sovereignty had begun to be eroded by the creation of peacemaking missions, it was a short step for the international community to begin to take over the nuts and bolts of governance, rather than acting merely as an external guarantor.

Developments in international norms of sovereignty create a new context for legitimation of the use of force. Advocacy of “popular sovereignty” resting in the people rather than a ruling regime figured prominently in the Commission on Global Governance Report and expanded in the more recent *Responsibility to Protect*.<sup>[11]</sup> This concept is now enshrined in the outcome statement of the 2005 UN Summit.<sup>[12]</sup> International intervention in the name of popular sovereignty (as the reason for the intervention) then commits itself to ensuring it establishes popular sovereignty (as a goal of the intervention).

In a reverse shift, the acceptance of the responsibility to protect introduces a new paternalism that overrides the notion of indigenous rights to rule. In Cambodia, Kosovo and East Timor, the international community “suspended” sovereignty. According to Alexandros Yanniss, these actions followed the model of post World War I UN Mandates and Trusteeships.<sup>[13]</sup> In both events, victors in war created the conditions for a governance regime in states that they considered not yet prepared for self rule. However, the UN is not a trustee ruling on behalf of a sovereign in exile (as in the international law of occupation), nor does it rule on behalf of the local population. Rather, the UN rules “on behalf of the peoples of the world in accordance with the UN Charter.”<sup>[14]</sup> This situation is substantively distinct from the ways that transitional regimes had been initiated in the past. As discussed above, the transitions of the “third wave” were spurred by

the collapse of communism and the relatively peaceful fall of domestic dictators the world over. In the initiation phase of the earlier transitional regimes, domestic power structures may have been discredited, yet they still often functioned, and domestic elites initiated the transition, even in the internationally administered model conceptualized by Shain and Linz.

Prior to the intervention into Liberia by the Economic Community of West African States Monitoring Group (ECOMOG) in 1990, and NATO's entry into the Kosovo conflict in 1999, the UN had to mandate an intervention by a vote of the Security Council, or the country experiencing conflict had to invite international agents to assist it in creating the conditions for peace. Now, not only is the international community much more directly and extensively involved in the day-to-day management of the post-conflict regime, but this involvement is considered *legitimate*, sometimes even obligatory. To ignore a country that has no capacity to self-govern, due to years of civil war or the removal of its ruling structures by another state's forces, is now considered illegitimate and morally objectionable.

### III. The Role of Elections

A third set of issues that motivate this project concern the issues regarding the value, timing and conduct of elections after conflict. Is there a trade-off, for example, between the inclusiveness of popular elections and the predictability of an elite pact? Alternative views on the value of elections after war imply different requirements for their quality with respect to inclusiveness. *The United Nations Peacekeeping Handbook* sees elections as vital to create venues for non-violent contests. Another view is that elections are the means by which the United States legitimates the use of force to domestic and international audiences.<sup>[15]</sup> In the latter event, the population does not need to accept the election as legitimate in order to achieve its purpose.

Some argue that holding flawed elections are worse than no elections. For example, the 1992 elections in Angola were premature and a step in the wrong direction, according to many observers. The reason was that the two principal combatants had not yet disarmed and demobilized, which left open the "exit" option for the loser in the Presidential race. Therefore, by the time the votes were counted, Jonas Savimbi's UNITA movement claimed that the election had been rigged, refused to accept the loss, and had returned Angola to war. These events "traumatized the country," reports Marina Ottaway. "They taught the population that elections can lead to greater violence; that they are a less effective source of power than weapons; and that the people's choice is ultimately meaningless because leaders do not respect it."<sup>[16]</sup>

Others argue that even flawed elections are a step in the right direction. Carrie Manning has asserted that even if the elections are not entirely free and fair, the simple act of organizing elections and voting in them begins to train citizens about how to behave in democratic polities. Once these behaviors become more ingrained, then the elections can become more genuine and issues of electoral fraud can be addressed.<sup>[17]</sup> To illustrate, U.S. Defense Secretary Donald Rumsfeld argued that holding elections in Iraq would transfer sovereignty back to Iraqis, provide them with a sense of ownership, and therefore reduce the reasons for insurgency. On January 30, 2005—many months after a "transfer of sovereignty"—the people of Iraq participated in their first open election in fifty years. However, Iraqi voters were confused about the election itself. The elections involved limited participation by a key component of the electorate.

This debate has implications for election timing. If elections are held soon after the transition from hostilities, there may not be sufficient security for the electoral administration to organize the elections and political parties to campaign freely. With insufficient lead time, voter education programs are likely to have reached only a small portion of the potential electorate, and so many people may not understand the electoral process and what (or whom) they are voting for. Not all the important political forces in a country may be ready to operate as political parties if elections are held quickly. Just as voters may not understand the system, political organizations may not



be capable of mounting viable election campaigns. They may not know *how* to run and manage a campaign; they may not have been able to establish party structures at the grassroots around the country; and they may simply not have had enough time to recruit experienced and qualified candidates. Holding elections early may lead to the organization of sectarian or other low-level, rather than national, forces, since these associations already have some form of association on the ground. This can lead to the elevation of ethnic, religious, tribal or other non-ideological political activities. In Bosnia, rushed elections empowered hardliners and cast a doubt on the universal desirability of quick democratization. “There *can* be such a thing as too much democracy,” in the words of Fareed Zakaria.<sup>[18]</sup> Alternatively, one could argue that in Iraq the sectarian factions were not well organized previously. The occupation authorities in that event might have been wise to run early, if flawed elections before the divisions came to the fore. This would enable indirect rule, rather than their chosen course—rule by viceroy in explicit occupation.

#### IV. The Outcome of Transitional Regimes

When Shain and Linz published *Between States*, the definition of success was very clear: “the assumption of power of a freely elected government.”<sup>[19]</sup> That definition suited a transition from authoritarian rule, in which the state and its monopoly on the legitimate use of force were unlikely to be in question. In the current era, it has become more difficult to determine and measure when the transitional period had ended. This is what may have changed most from the earlier to the later cases of interim governance, because the international interventionism complicates the issue. We suggest that the transitional period has ended when a new or reconstituted, domestic, permanent government is able to wield *effective internal sovereignty*. By effective internal sovereignty, we mean the dissolution of the interim structures and the *resumption of law and order functions* by the domestic regime. Note that there are several locations along this route. The formal transition of power occurs with the founding elections, and this is the point at which Shain and Linz concluded that a transitional period had ended. We prefer to extend the analysis through to the *effective* or *genuine* transfer of power, which is when the domestic government is capable of creating and enforcing law and order. When the rule of law is re-established (recreating the *Rechtsstaat*), and when it is enforced by a domestic government, the interim period is over. If the “new” regime only is able to enforce law and order with the support of external powers, then the interim period may not genuinely have concluded.

Yet what will this new regime look like, and how will it function? Scholarship to date has not really probed the issue of how the nature of interim regimes affects the quality of governance, legitimacy and stability in the post-conflict era. Shain and Linz argued that the effect of internationally administered transitional regimes on the quality of democratic governance was indeterminate. Using the cases of Afghanistan (1991), Namibia (1989) and Cambodia (1993), they found that there was not enough similarity in outcomes to assert that the international model was either positive or negative for the creation of democratic governments. Assessing the end-states of the current range of international transitional regimes is one of the main goals of this current project.

When external military forces are engaged in the transition, the standards for success are multiplied. The post-conflict government must acquire a monopoly on force that extends across the nation. In some cases, it must demonstrate an ability to hold its own territory without outside help. Meanwhile, the external actors have different interests and roles during a transitional period, and hence different standards for success.

#### Extending the Monopoly on the Use of Force

Transitional regimes confront dual problems of extending state authority throughout the territory and bringing military forces under a unified, civilian command. Extending state authority to the peripheral areas of the country’s territory has been a problem facing states since the end of

colonialism in the 1950s, a situation made worse by the stasis imposed by the Cold War's support of the juridical aspects of statehood over the empirical<sup>[20]</sup>. States that had no capacity to govern or to meet even the minimal monopoly on the legitimate use of force as laid out by Max Weber, certainly cannot carry out any of the more expansive functions common to the modern welfare state. The basic control of territory, subduing internal rivals such as warlords and other non-state sanctioned powerholders, eludes recently-installed governments from Afghanistan to Somalia.

During European state formation, would-be state makers mercilessly eliminated rivals to power, either by forced co-optation or outright decimation. Contemporary international norms—more compelling during international intervention—preclude new governments from these sorts of activities to repress or eliminate tribal authorities, religious leaders, or other sources of power.<sup>[21]</sup>

The problems facing a newly installed regime encompass all of the issues of extending state authority, combined with the task of reintegrating various sectors of society that were affected by internal conflict. Disarming and demobilizing rival authorities, which often are also formal combatants in a civil war situation, constitutes both a problem for extending state authority and for establishing unified civilian rule. External civilian and military actors add more dimensions. To illustrate, the attempts by external civilian power to create integrated structures in Kosovo were hampered because the NATO military force had earlier accepted Serb security and parallel structures.

The issue of eliminating internal rivals has become more complicated in international interventions. Often these tensions assume center-periphery and ethnic overtones, which renders efforts to eliminate or co-opt them both difficult and against current international law. In Afghanistan Karzai's central government had to contend with regional warlords in the periphery. Even the external civilian Coalition Provisional Authority in Baghdad at times competed against US division commander "warlord-type" powers in the periphery.

The potential legitimacy issues associated with internationally-imposed interim regimes further complicates the matter of extending state authority and demobilizing internal rivals. The newly installed transitional regime may lack the legitimacy to convince citizens to obey it, instead of local powers, because the latter may often be perceived by residents as *more legitimate*.

Iraq illustrates yet another possibility—a legitimacy-efficacy conundrum. In an American military poll taken in February 2005, Iraqis in Baghdad and elsewhere were asked, "How would you rate your confidence in..." More respondents declared confidence in the armed national opposition to improve the situation in Iraq than expressed confidence in the U.S. military. The top choice was the Iraqi National Guard.<sup>[22]</sup> Despite this finding, polls also indicate Iraqi desire for U.S. forces to remain until the government can assume more control. This problem is extra sticky because the external force is not legitimate and the domestic force is not effective.

## **New Directions: Short and Long-Term Effects of Interim Governments**

This paper has mapped out a number of theoretical considerations that motivate the study of interim governments today. It is the conceptual guide for a series of case studies, whose authors were tasked with addressing a set of questions that relate to two main areas: how do these internationally governed transitional regimes affect post-conflict (1) domestic order and legitimacy, and (2) good governance. These are commonly described as vital to post-war stabilization and reconstruction, and by extension to international peace and security. The four case study papers that constitute the remainder of this special issue all speak to these issues in one way or another, and the forthcoming edited volume provides the full slate of case studies that were commissioned for the project.



The fact that international engagement is not homogenous led us to pose a set of questions: does the identity of the external facilitator affect the legitimacy of the interim government, and does the process of selecting an interim government affect the durability of the regime? How does the establishment of direct transitional authority, for example, provide necessary stability? Under what circumstances is external pressure productive or counterproductive, and how do we measure it? Regarding the issue of “good governance,” are there benefits of an internationally created and managed interim government for the creation of a domestic, democratic government that has enough state capacity to provide at least the internationally accepted minimum of public goods?

Posed in this way, these questions create a natural bridge between comparative politics and international relations. Few areas of inquiry bridge the traditional divide between these two fields more than the study of post-conflict stabilization and reconstruction, and within this, the issue of transitional regimes. When designing transitional regimes, the arrangements that are necessary to help create a stable, peaceful, and democratic political order hinge directly on the nature of the conflict, the interests and capacities of international actors, and the strengths and capacities of the various parties to the conflict at the time of the intervention.

This project follows in the footsteps of many who have begun to merge the insights of comparative politics with international relations, and to apply new approaches to the study of conflict resolution and transitional regimes. Together, this diverse body of work has already begun to modify the model proposed by Shain and Linz, yet the task still remains to draw the various works together into a comprehensive attempt to analyze the new interventionism in transitional regimes. We explore various aspects of the newly emerging range of interim regimes, focusing on issues of legitimacy, conflict management and how international involvement affects the balance of power between domestic elites. Ultimately we are interested in exploring how transitional regimes affect political stability and good governance in the reconstruction phase.

Transitional governments and interim regimes are by nature temporary—they are commonly used to create arrangements for more permanent government structures. As many have noted, interim structures are not uniform, in origin, structure, or tenure. How do the choices of interim administration affect the quality of regime that results once the interim period has ended? Is democracy always the outcome, and how does the type of interim regime affect the nature of the post-transition government? Do some structures, such as caretaker or internationally mandated opposition-led structures, face greater likelihood of protracted or “stunted” transitions?

Finally, we asked our case study authors to address how the nature of the international authorities constituting the transitional regimes affects the domestic acceptance of these regimes. This relationship will have a direct affect on virtually all of the issues with which we are concerned. Many have noted that one of the problems in the first two Iraqi interim regimes were that they were seen to be either direct American occupation authorities, or puppets of the occupying. Diamond argues that if transitional regimes have international legitimacy, then they are more likely also to receive domestic acceptance:

When there is broad international engagement and legitimacy, people within the postconflict country are less likely to see it as the imperial project of one country or set of countries. All else being equal, international legitimacy tends to generate greater domestic legitimacy, or at least acceptance, for the intervention.<sup>[23]</sup>

We posit, however, that this is an empirical question rather than a theoretical statement, and therefore one of the issues that the following papers raises revolves around investigating the relationship between the identity of those creating and running transitional regimes and the legitimacy of resulting governments.

In conclusion, we submit that the new interventionism of the international community, especially its commitment to “nation building,” (which is more accurately termed state building) raises fundamental issues of legitimation, restructuring, conflict resolution and how all this relates to building the micro-foundations of government. This project aims to explore these issues for both their theoretical importance and for the real-world, empirical experiences they bring to light.

## About the Authors

Karen Guttieri is an Assistant Professor in the Department of National Security Affairs at the [Naval Postgraduate School](#). She teaches in the graduate program in Stabilization and Reconstruction. Her focus is military operations in civilian environments, in particular, issues of effectiveness, military organizational learning, and civil-military relations. While writing her doctoral dissertation at the University of British Columbia on the evolution of American military doctrine for civil affairs, she organized “The Civil Dimension of Military Operations,” a conference in Washington DC.

She joined the Naval Postgraduate School in 2001 after conducting post-doctoral research at Stanford's Center for International Security and Cooperation (CISAC), where she studied the intersection of politics and technology in the revolution in military affairs. Dr. Guttieri is currently a CISAC Affiliate. Her publication titles include the following: “Civil-Military Issues in Peace Implementation,” *Sicherheit und Frieden*, “Symptom of the Moment: A Juridical Gap for U.S. Occupation Forces,” *International Insights*, and “The Civil Dimension of Strategy,” in *Humanizing Our Global Order*. Strategic Insights on [Elections in Iraq: Managing Expectations](#) (Feb 2005) [Homeland Security and US Civil-Military Relations](#) (Aug 2003) and [Post-Conflict Iraq: Prospects and Problems](#) (Feb 2003) are available on the Naval Postgraduate School's Center for Contemporary Conflict website. Dr. Guttieri has completed a course in Civil-Military Cooperation in Modern Peacekeeping at The Lester B. Pearson International Peacekeeping Training Centre; the Joint Civil-Military Operations Course at the Joint Special Operations University; and World Vision's Level II Security Management Training Course.

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Piombo has conducted extensive research in South Africa, having lived there for almost two years between 1999 and 2001. She has conducted research on the 1999, 2000 and 2004 elections, and maintains active links to the South African academic and NGO community. She has worked with the University of Cape Town, the Institute for Democracy in South Africa, the University of Durban-Westville, and as an election monitor and member of the Steering Committee of the Peace Monitoring Forum of the Western Cape.

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## References

1. The opinions contained in this paper are those of the authors who are writing in their personal capacities and not as representatives of the Government of the United States. None of these positions represent official positions of the US government.
2. Larry Jay Diamond, "[Lessons from Iraq](#)," *Journal of Democracy* 16, no. 1 (January 2005).
3. Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, N.Y.: Cornell University Press, 2004.), ix. "Nation-building" by way of contrast, implies creation of shared bonds of history and culture (99).
4. A partial list of post-war sites of transitional regimes includes the following: Afghanistan, Angola, Argentina, Bangladesh, Bosnia, Cambodia, Central African Republic, Chile, Congo, Croatia, East Timor, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, German Democratic Republic, Ghana, Greece, Guatemala, Haiti, Kosovo, Liberia, Mozambique, Namibia, Nicaragua, Nigeria, Papua, Peru, Romania, Rwanda, Serbia, Sierra Leone, Somalia, South Africa, South Korea, Tajikistan, Thailand, Uganda, Venezuela.
5. Francis Fukuyama, *Op. Cit.*, 97.
6. Marc Plattner, "Introduction: Building Democracy After Conflict," *Journal of Democracy* 16, no. 1 (January 2005), 5-8.
7. Michael W. Doyle, "War Making and Peace Making: The United Nations' Post-Cold War Record," in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (eds.) *Turbulent Peace* (Washington, DC: United States Institute of Peace, 1996, 2001), 529-560.
8. Marina Ottaway and Bethany Lacina, "International Interventions and Imperialism: Lessons from the 1990s," *SAIS Review* 23, no. 2 (Summer-Fall 2003): 71-92. See appendices two and three for depictions of the Doyle and Ottaway and Lacina models.
9. Kalevi J. Holsti, *The State, War, and the State of War* (Cambridge University Press, 1996), 27. Martin van Creveld, *The Transformation of War* (New York: The Free Press, 1991).
10. James D. Fearon and David L. Laitin, "Neotrusteeship and the Problem of Weak States," *International Security* 28, no. 4 (Spring 2004): 5-43, 7.
11. Gareth J. Evans and Mohamed Sahnoun, co-chairs, [The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty](#), International Development Research Centre (Ottawa, Canada), 2001; United Nations Commission on Global Governance, [Our Global Neighborhood](#) (London: Oxford University Press).
12. United Nations, *World Summit Fact Sheet 14-16 September 2005*. (New York: United Nations, 2005).

- 13; Alexandros Yannis, "[The Concept of Suspended Sovereignty in International Law and Its Implications in International Politics](#)," *EJIL* 13, no. 5 (2002), 1037-1052.
14. Yannis, *Ibid.*, 1048. With sovereignty suspended in this way, Yannis suggests our inquiry turn to the rights and obligations of the UN.
15. Mark Peceny, [Democracy at the Point of Bayonets](#) (University Park, PA: Penn State Press, 1999).
16. Marina Ottaway, "Angola's Failed Elections," in Krishna Kumar, *Postconflict Elections, Democratization and Democratic Assistance* (Boulder, CO: Lynne Rienner, 1998), 150.
17. Carrie Manning, "Post-conflict Statebuilding and Comparativist Theories of Political Change" Paper presented at the annual meeting of the Hilton Hawaiian Village, Honolulu, Hawaii, March 5, 2005. 2005, 12-19.
18. Fareed Zakaria, *The Future of Freedom* (New York: W.W. Norton, 2003).
19. Yossi Shain and Juan Linz, *Between States: Interim Governments and Democratic Transitions* (New York: Cambridge University Press, 2005).
20. Robert H. Jackson and Carl G. Rosberg, "Why Africa's Weak States Persist: The Empirical and Juridical in Statehood," *World Politics* 35, no.1 (1982): 1-24.
21. Mohammed Ayoob, "State Making, State Breaking, and State Failure," in C..A. Crocker, et. al., *Turbulent Peace*, (Washington DC: US Institute of Peace, 2001).
22. In this poll, 20 percent expressed "a great deal/quite a lot" of confidence in the armed opposition, only 15 percent gave this rating to the U.S. forces and 76 percent gave it to the Iraqi National Guard. 76 percent replied "not very much/none at all" regarding the U.S. military. The largest "don't know" number went to the armed opposition, at 29 percent. Michael E. O'Hanlon and Nina Kamp, [Iraq Index](#) (Washington, DC: Brookings Institution. Updated November 21, 2005. Poll taken February 2-11, 2005.) 90 percent of sample from Baghdad, 10 percent from Mahmoudiya, Istiqlal, and Taji. Provided to Brookings by American military sources. Face to face interviews with 4,340 Iraqis. Margin of error is +/-3 percent.
23. Larry Diamond, [Op. Cit.](#), 15.